

Remarks

I. Introduction

This is in response to the Office Action dated March 10, 2008. The Office Action objected to claims 1, 8, and 9 based on informalities. The Office Action rejected claims 1-10 under 35 U.S.C. § 112 as being indefinite. The Office Action rejected claims 1-9 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,603,760 ("Smyk"). The Office Action rejected claims 1-10 based on 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,327,358 ("March").

In response, Applicants have amended claims 1, and 4-10. Claims 1-10 remain for consideration.

II. Objections to Claims 1, 8, and 9

Claim 1 was objected to because the claim recites "sub networks" and "subnetworks". The claim has been amended to change "sub networks" to "subnetworks" for consistency.

Claim 8 was objected to because the abbreviation, "ID," was not preceded by the actual phrase. The claim has been amended to remove the objected to term. Applicants have made the amendment solely to expedite issuance of the pending application and applicants traverse the rejection as one having ordinary skill in the art would readily understand that the abbreviation, "ID", refers to "identification".

Claim 9 was objected to because the abbreviation "CIC" was not preceded by the actual phrase. The claim has been amended to remove the objected to term. Applicants have made the amendment solely to expedite issuance of the pending application and applicants traverse the rejection as one having ordinary skill in the art would readily understand that the abbreviation, "CIC", refers to "call instance code".

III. Rejection of Claims 1-10 under 35 U.S.C. § 112

Independent claim 1 was rejected under 35 U.S.C. § 112 for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention. The Office Action states that it is not clear if “the call” on line 9 refers to “calls” on line 4 or “calls” on lines 6-7. Claim 1, as amended, no longer contains the objected to claim language.

Claim 4 was rejected under 35 U.S.C. § 112 as being indefinite because “said associated information” may refer to information in claim 1 or 2. Claim 4 has been amended to recite, “said ~~associated~~ information ~~for invoking service processing~~ conveyed by signaling” to overcome the rejection. Claim 5 was not rejected, but has been amended similarly.

IV. Rejection of Claims 1-10 under 35 U.S.C. § 102

The Office Action rejected claims 1-9 under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 6,603,760 (“Smyk”). The Office Action rejected claims 1-10 under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 6,327,358 (“March”). Applicants have amended independent claim 1 and provide arguments herein below to overcome this rejection.

The present application, as recited in paragraph [0012] of the present application, is directed towards aiding a shift in the equipment or technology of telecommunications networks. The invention may be used, for example, when transitioning from a “4ESS” legacy network to a new “edge network” where the goal, as recited in paragraph [0018], may be the eventual migration of all calls from the legacy network to the new network. In embodiments of the invention, the method proceeds by guiding calls from a legacy network (i.e. a PSTN network) to a new network (i.e. a packet-switched network) and providing service processing in the new network based on a particular type of incoming trunk.

The invention of Smyk concerns handling a phone call on a legacy or a new network (an “NGN”) based on a subscription of a user. Smyk retrieves data in a subscription database to determine whether the dial-tone and services will be provided by the legacy or the new network. Thus, a customer chooses to subscribe to a first or second network. Smyk does not disclose that services are

provided or that calls are guided to the new network based on the incoming trunk.

March is directed to routing a call to a packet switched network based on load factors. March is concerned with routing a toll-free call to a switch when doing so balances the load on the switches in a more efficient manner. The factors which are used by March are explained in col.6, lines 32-42 of the March reference, stating "proximity of the subscriber to each of a plurality of IP gateways . . . the cost of routing the call . . . the loading levels of the available IP gateways and the current outages of the ISP's IP gateways". March, however, does not disclose routing the call based on the type of incoming trunk.

In order for a claim to be anticipated under 35 U.S.C. §102, **each and every** limitation of the claim must be found either expressly or inherently in a single prior art reference. PIN/NIP, Inc. v. Platte Chem. Co., 304 F.3d 1235, 1243 (Fed. Cir. 2002). In the present case, neither Smyk nor March shows each and every limitation of claims 1-10, as amended. Therefore, applicants request the withdrawal of the rejection under 35 U.S.C. §102.

Independent claim 1, as amended, contains the limitation of "invoking service processing by said second of said at least two subnetworks based on the particular type of incoming trunk the call comes in on." This limitation is not shown in the cited references.

As noted above, Smyk discloses routing a call to a new network based on data in subscription database, and therefore does not disclose routing a call based on the type of incoming trunk. Col. 5 lines 47-49 of Smyk state, "[a] subscription database 417 contains information related to the customer's line such as whether the customer subscribes to communications services offered through the SM or through the class 5 switch." Smyk further states in col. 5 lines 54-47, "[b]ased on the information in the subscription database 417, the SM 416 determines that the customer has selected service features offered through the class 5 switch 418 and the call should be established in VLL mode." Thus, Smyk directs a call to a second subnetwork (i.e. through the class 5 switch 418) based

on a user's subscription. Smyk does not disclose that the call is directed based on the type of incoming trunk.

March does not disclose routing a call based on the type of incoming trunk. March discloses routing a call based on criteria, as discussed in col. 6 of March. Specifically, col 6., lines 25-27 state that "the call is redirected from its original destination to a new IP gateway coupled to a different location on the traffic network 104." Lines 32 through 42 further state, "[t]he redirection of calls may be performed statically such that all calls are redirected to a particular new IP gateway. Further, the redirection of calls may be performed dynamically such that calls are redirected to one of a plurality of IP gateways . . . depending upon operating criteria. Such operating criteria includes, for example, proximity of the subscriber to each of a plurality of IP gateways . . . across the traffic network 104, the cost of routing the call via the traffic network 104, the loading levels of the available IP gateways and [t]he current outages of the ISP's IP gateways, among other criteria." Claim 1 contains the limitation of, "invoking service processing by said second of said at least two subnetworks based on the particular type of incoming trunk the call comes in on." March does not disclose this limitation. March is concerned with redirection based on operating criteria and not with redirection based on the type of incoming trunk.

The Office Action states that this limitation has been taught in col. 4, line 64 through col. 9 line 50 of Smyk and col. 5, line 65 through col. 12 line 65 of March. The Office Action has cited the entire detailed description of both prior art references. MPEP 707, quoting 37 CFR 1.104(c)(2) states, "In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified." The Office Action has not clearly explained the pertinence of each reference requirement as set forth in the CFR or MPEP. If the Examiner persists in the rejection, applicants request that the Examiner cite specific portions of the

prior art references so that that Applicants can more fully respond to the rejection.

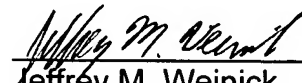
All remaining dependent claims are dependent upon an allowable independent claim and are therefore also allowable.

For the reasons discussed above, all independent claims are allowable over the cited art. Allowance of all independent claims is requested.

V. Conclusion

For the reasons discussed above, all pending claims are allowable over the cited art. Reconsideration and allowance of all claims is respectfully requested.

Respectfully submitted,



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